

## **The Trinity wrench in the works**

By California lawmakers want water contracts delayed pending suit's end

**John Driscoll**- The Times-Standard ([www.times-standard.com](http://www.times-standard.com))  
April 27<sup>th</sup>, 2004

The next few months could prove pivotal to the future of the Trinity River, as contracts with Central Valley irrigators are hammered out and the river's role in those negotiations plays out.

On Friday the 9th U.S. Circuit Court of Appeals ruled to allow more water to flow down the Trinity for salmon this year. That ruling substantially boosts water to the river, and will open up habitat for young fish and help reshape the river's channel.

The emergency ruling is part of a suit brought against the 2000 plan to restore the river's fishery by Westlands Water District and other water and power users. Westlands is one of the water users looking to gain 25-year contracts, which are being negotiated in a series of meetings with the U.S. Bureau of Reclamation.

Despite being a litigant, Westlands has tried to portray the Hoopa Valley Tribe as obstructionist for not accepting settlement offers from the irrigation district and the U.S. Interior Department. In analyses of the offers, the tribe found them unsupported by science.

But the tribe's support is growing. California Sens. John Burton, D-San Francisco, Michael Machado, D-Linden, and Wesley Chesbro last week sent letters to U.S. Sen. Dianne Feinstein, saying the litigation threatens to stall water contract negotiations.

"I am urging a resolution of the Trinity River litigation as a preface to any federal water deals," said Chesbro, an Arcata Democrat, in the letter.

On Thursday, Feinstein asked the entire Hoopa Valley Tribal Council to fly to Washington, D.C., for a Monday meeting. In attendance was Assistant Interior Secretary Bennett Raley, who was criticized by the tribe last week for breaking a pledge to support the request for higher flows this year.

Feinstein reportedly committed to more talks on the issue.

The tribe is hoping Feinstein might enter language into CalFed -- the state and federal program to restore the Sacramento River Delta -- that would prevent contracts from being approved until the Trinity River matter is resolved.

Westlands gets its water from the delta, which is fed in part by the diversion of most of the Trinity's water above Lewiston Dam.

Trinity River restoration advocates believe the federal government may try to rush water contracts through before the November presidential election, and most water contracts are expected to be finished in mid-May. Environmental reviews will follow.

Westlands spokesman Tupper Hull said the court's decision to release water this year is not how the Trinity's fishery should be managed. He said while it appears there is enough water in storage to support the court's decision this year, dry conditions next year could tax the system.

The fastest way to resolve the Trinity issue is for everyone to sit down at the same table and come up with a science-based settlement, Hull said.

"That's how a long-term, permanent restoration plan is going to be developed," Hull said.

The restoration plan being litigated was drafted after 20 years of studies and would return just under half of the water diverted from Trinity Lake to the river.

Natural Resources Defense Council Senior Policy Analyst Barry Nelson said contractors are looking to strengthen their legal and political claims to water from the Central Valley Project -- before suits on the Trinity and San Joaquin rivers are resolved. That could leave the federal government legally bound to deliver water that is required for restoration of the rivers.

"Westlands is obviously trying to lock up as much of its future water supply as possible ... before a final decision is made on the Trinity," Nelson said.